

REMARKS

In the Office Action, the Examiner objected to claims 1, 4, 10, 11, 14, and 15; rejected claims 1, 3-17, and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,043,477 to Mercer et al. ("*Mercer*") in view of U.S. Published Patent Application No. 2002/0031071 to Han et al. ("*Han*"); and rejected claims 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer* and *Han* in view of U.S. Published Patent Application No. 2003/0236582 to Zamir et al. ("*Zamir*").

By this amendment, Applicants amend claims 1, 8-10, and 14, add new claims 21-23, and cancel claims 4, 5, 11, and 15, without prejudice or disclaimer. Claims 1, 3, 6-10, 12-14, and 16-23 are now pending. Because claims 4, 5, 11, and 15 are cancelled, the objection to and rejection of these claims are moot.

Applicants amend claims 1, 10, and 14, as suggested by the Examiner, to correct the informalities noted in the Office Action. Accordingly, Applicants respectfully request removal of the claim objections.

Applicants respectfully traverse the rejection of claims 1, 3-17, and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer* and *Han*, because a *prima facie* case of obviousness has not been established.

Independent claim 1 recites an audio playback apparatus including "playback unit specification means for specifying a shuffle unit," "music file group selection means for randomly selecting a music file group in accordance with the shuffle unit," "means for specifying a shuffle range," and "means for randomly selecting a next music file group from within the shuffle range." *Mercer* and *Han* fail to teach or suggest at least the claimed "shuffle range."

Mercer discloses media playlists located in different directories. *Mercer*, col. 5, lines 38-43. The media files within each playlist are grouped according to certain criterion, such as artist, genre, and album. *Id.* at col. 7, lines 28-30, 47-49. If the playlist is grouped according to artist, for example, a user may play songs within the playlist by a first artist, and then navigate to a second artist, thereby playing songs within the playlist by the second artist. *Id.* at col. 6, lines 14-21. Furthermore, a user may shuffle among artists (groups) in a playlist, allowing “playback of all songs by a random artist before proceeding to the next random artist.” *Id.* at col. 5, lines 30-37.

While *Mercer* may permit shuffling between groups within a playlist, *Mercer* does not teach or suggest “means for specifying a shuffle range,” and “means for randomly selecting a next music file group from within the shuffle range,” as recited in claim 1. Indeed, *Mercer* is silent with respect to the claimed “shuffle range.”

Han fails to cure the deficiencies of *Mercer*. *Han* fails to teach or suggest “means for specifying a shuffle range,” and “means for randomly selecting a next music file group from within the shuffle range,” as recited in claim 1. Accordingly, *Mercer* and *Han* fail to teach or suggest claim 1.

Independent claims 8, 9, 10, 14, and 23, while of different scope than claim 1, distinguish over *Mercer* and *Han* for similar reasons as claim 1. Claims 3-7, 11-13, 15-17, and 19 depend from one of claims 1, 10, and 14.

Applicants respectfully traverse the rejection of claims 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Mercer*, *Han* and *Zamir* because a *prima facie* case of obviousness has not been established.

Claims 18 and 20 depend from one of claims 1 and 10. As discussed previously *Mercer* and *Han* fail to teach or suggest the subject matter of claims 1 and 10.

Zamir fails to cure the deficiencies of *Mercer* and *Han*. *Zamir* fails to teach or suggest "means for specifying a shuffle range," and "means for randomly selecting a next music file group from within the shuffle range," as recited in claim 1. Accordingly, *Mercer*, *Han*, and *Zamir* fail to teach or suggest the subject matter of claims 18 and 20.

New claims 21 and 22 are allowable over the references of record at least due to their dependence from claims 1 and 10.


In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 

Fahd Hussein Patel
Reg. No. 61,780
(202) 408-6072